

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, NOVEMBER 6, 2002**

PRESENT: John R. Byers, Mount Vernon District
Frank de la Fe, Hunter Mill District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District

ABSENT: Walter L. Alcorn, Commissioner At-Large
Laurie Frost Wilson, Commissioner At-Large

//

The meeting was called to order at 8:15 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

COMMISSION MATTERS

Commissioner Koch MOVED THAT (THE PUBLIC HEARING ON) PCA-78-S-063-3, WESTFIELDS CORPORATE CENTER, BE DEFERRED INDEFINITELY.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

//

Commissioner Koch announced the withdrawal of SE-01-Y-054, Chick-Fil-A.

//

Commissioner Byers announced his intention to further defer the decision only on 2232-V02-9, Sprint PCS, from November 13, 2002 to December 12, 2002.

//

Commissioner Kelso announced that the Parks Committee would meet on Thursday, November 14, 2002 at 7:30 p.m. in the Board Conference Room to receive a briefing from Park Authority consultants working on the Authority's needs assessment program.

//

Commissioner Moon announced his intention to defer the decision only on the Public Facilities Manual Amendment scheduled for public hearing tomorrow night, November 7, 2002.

//

Commissioner DuBois announced her intention to further defer the decision only on SE-2002-DR-008, Daniel P. Burke, from November 7, 2002 until December 12, 2002.

//

Commissioner Harsel announced that Commissioner Alcorn and his wife recently became the parents of a baby girl, Delia Elizabeth Alcorn, born on Monday, November 4, 2002, weighing 7 pounds, 12 ounces.

//

On behalf of Commissioner Alcorn, Chairman Murphy announced that the Zoning Ordinance Amendment regarding Athletic Facilities in R-C Districts would be deferred from November 13, 2002 to February 12, 2003.

//

456A-S89-40-1 - Fire and Rescue Dept. and Department of Public Works and Environmental Services - 12038 Lee Highway

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE 456A-S89-40-1.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

//

ORDER OF THE AGENDA

Secretary Harsel set the following order for the agenda:

1. RZ-2002-SP-004 - EQUITY HOMES, LP
SE-2002-SP-032 - CLIFFORD A. TAYLOR & MADONNA E. TAYLOR

2. FDPA-C-052-12 - JOEL R. RHOADES
3. 2232-P01-29 - VERIZON VIRGINIA INC.
4. RZ-2002-MV-007 - RANDOLPH J. BENDER

This order was accepted without objection.

//

Prior to the hearing of these applications in the Springfield District, Vice Chairman Byers assumed the Chair.

//

RZ-2002-SP-004 - EQUITY HOMES, LP - Appl. to rezone from R-1 and WS to R-2 and WS to permit cluster residential development at a density of 1.42 dwelling units per acre (du/ac) and interim use as a plant nursery on a portion of the site. Located on the N. side of Route 29, approx. 200 ft. W. of Willowmeade Dr. on approx. 28.94 ac. of land. Comp. Plan Rec: Fairfax Center Area Residential 1.5 du/ac at Intermediate Level. Tax Map 55-4 ((1)) 1, 2, 3, 4A, 5 and 6. (Concurrent with SE-2002-SP-032.) SPRINGFIELD DISTRICT.

SE-2002-SP-032 - CLIFFORD A. TAYLOR AND MADONNA E. TAYLOR - Appl. under Sects. 3-104 or 3-204 of the Zoning Ordinance to permit a plant nursery. Located at 12908 Lee Hwy. on approx. 5.11 ac. of land zoned either R-1 or R-2 (with RZ-2002-SP-004) and WS. Tax Map 55-4 ((1)) 2. (Concurrent with RZ-2002-SP-004.) SPRINGFIELD DISTRICT. JOINT PUBLIC HEARING.

Keith Martin, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, reaffirmed the affidavit dated November 3, 2002. There were no disclosures by Commission members.

Mr. William Mayland, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of both applications.

Mr. Mayland responded to questions from Commissioner Smyth regarding a low water crossing proposed by the applicant, and from Commissioner Byers regarding the setback on the eastern property line.

Mr. Martin addressed the rezoning application. He explained that the applicant requested approval of a residential development of 41 single family detached homes on 29 acres with approximately 46 percent of the site to be kept in undisturbed open space. He noted that the proposed layout provided buffer for existing homes nearby and allowed for the eventual redevelopment of Lot 4 whose owner had chosen not to participate in the applicant's consolidation. He outlined the proposed access points and transportation improvements planned.

Mr. Martin noted, however, that the frontage improvements along Lee Highway were contingent upon acquisition of right-of-way along the front of parcel 4 and that the applicant would attempt such acquisition through private negotiations. He added that should those negotiations fail, the right-of-way would have to be obtained through the right of eminent domain.

In response to questions from Commissioner de la Fe, Mr. Martin confirmed that the applicant would consider a bridge in lieu of the low water crossing.

Mr. Martin continued his presentation, noting the applicant's proffer of a Housing Trust Fund contribution as well as berming and landscaping along Lee Highway. He added that the application met the requirements of the Fairfax Center Area Checklist.

Mr. Martin and Mr. Mayland responded to questions from Commissioner Byers regarding the length of driveways, back yard setbacks, conservation easement, and school impact. Commissioner Byers suggested that Mr. Martin get the school proffer finalized as soon as possible. Mr. Martin agreed, noting that he was waiting to hear from the principal of the local elementary school about that school's needs.

Lynne Strobel, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, addressed the special exception request. She noted that the subject property was owned by the applicants, but leased by Meadows Farms for use as a nursery until the end of 2005, at which time the nursery use would be terminated and the residential plan proposed by Equity Homes would go forward. She explained that a nursery had been in operation on this site since 1975, but that previous special exception applications had expired. Ms. Strobel pointed out that the application had the support of staff and the Springfield Land Use Committee.

Vice Chairman Byers called the first listed speaker and recited the rules for public testimony.

Commissioner Murphy apologized to Ms. Ward for the lack of notification to her association.

Ms. Claudette Ward, 5270 Tractor Lane, Fairfax, representing the Greater Willow Springs Civic Association, explained that her community was across Lee Highway from the subject property. She supported the proposed density and interparcel connections.

Mr. Len Rattigan, 12850 Knight Arch Road, Fairfax, expressed his concern about the effectiveness of the proposed buffer for adjacent existing homes and the impact of additional traffic on Lee Highway.

Mr. James Crouch, 12217 Lee Highway, Fairfax, said that no one had approached him about the right-of-way needed on the frontage of his property, but said that he wanted to stay in his home. He suggested that perhaps another home could be built on his lot behind the existing one, so he could still live there after road improvements were made.

Mr. Crouch responded to questions from Commissioner Koch regarding consolidation efforts by the applicant.

Mr. William Crouch, brother of James, reiterated his brother's desire to remain on his property. He responded to questions from Commissioner Murphy regarding consolidation efforts.

Ms. Barbara Warren, of Myrtle Leaf Drive, Fairfax, expressed concern that the interparcel connection proposed to Myrtle Leaf Drive would harm the environment and create an unnecessary cut-through path to northern properties.

At Commissioner Murphy's request, Mr. Mayland explained that the environmental quality corridor (EQC) would not be disturbed and that the north connection would only be opened when the parcel to the north was developed.

There being no further speakers, Vice Chairman Byers called upon Mr. Martin for a rebuttal statement.

Mr. Martin explained the applicant's attempts to communicate with Mr. Crouch regarding possible purchase of his property for consolidation purposes. He and Mr. Mayland responded to questions from Commissioner Byers regarding the proposed buffer areas, sewer availability, and tree save.

There being no further comments or questions from the Commission and Mr. Mayland having no closing staff remarks, Vice Chairman Byers closed the public hearing and recognized Commissioner Murphy for action on this case. (A verbatim transcript is in the date file.)

//

Commissioner Murphy MOVED THAT WE DEFER DECISION ON RZ-2002-SP-004 AND SE-2002-SP-032 TO A DATE CERTAIN OF NOVEMBER 14, 2002, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

//

Chairman Murphy resumed the Chair.

//

FDPA-C-052-12 - JOEL R. RHOADES - Appl. to amend the final development plan for RZ-C-052 to convert two existing residential units (Units C-1-E and C-2-E within Skyline House II) into office use. Located S.E. of South George Mason Dr., approx. 800 ft. S.W. of Route 7 on

approx. 1,815 sq. ft. of land zoned PDC and HC. Tax Map 62-3((10))
(E)C1 and C2. MASON DISTRICT. PUBLIC HEARING.

William Barnes Lawson, Esquire, with Lawson and Frank, reaffirmed the affidavit dated April 30, 2002. There were no disclosures by Commission members.

Ms. Tracy Swagler, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Lawson explained that this application was necessary due to an oversight during the creation of the Skyline House condominiums that resulted in convertible condominium space being used for commercial purposes. He noted that the subject portion of the building could not easily be converted back to residential use as it lacked window space as well as kitchen and bathroom facilities. He pointed out that an identical conversion at Skyline House I had already been approved by the County and approval of this application would allow the same use at Skyline House II. Mr. Lawson stated that the Skyline House Unit Owners Association (SHUOA) had no objection to the applicant's proposal.

Ms. Carol Cataldo, 3709 South George Mason Drive, Unit 307E, Falls Church, representing the SHUOA, spoke in support of the application.

There were no further speakers. Chairman Murphy noted that no rebuttal was necessary.

Ms. Swagler and Mr. Barnes responded to questions from Commissioner Smyth about the type of commercial uses that would be allowed in the converted space.

There being no further comments or questions from the Commission or closing staff remarks, Chairman Murphy closed the public hearing and recognized Commissioner Hall for action on this case. (A verbatim transcript is in the date file.)

//

Commissioner Hall MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-C-052-12, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 5, 2002, WITH ONE CHANGE TO THE FIRST CONDITION, SECOND SENTENCE, WHICH WILL NOW READ: "NO MEDICAL OFFICES OR RETAIL USES SHALL BE ALLOWED."

Commissioner Smyth seconded the motion which carried unanimously with Commissioners Byers and Koch not present for the vote; Commissioners Alcorn and Wilson absent from the meeting.

//

2232-P01-29 - VERIZON VIRGINIA INC. - Appl. to expand the existing telecommunications facility at 2935 Gallows Road, Merrifield. Tax Map 49-4 ((1)) 32. PROVIDENCE DISTRICT. PUBLIC HEARING.

Ms. Pam Nee, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Ms. Sheri Hoy, a legal assistant with McGuire, Woods, Battle and Boothe, explained the applicant's request for expansion of its Merrifield switching station. She noted that street frontage improvements had been made in accordance with the Merrifield Plan and that interparcel access had been provided. Ms. Hoy stated that clarifications were needed on the plat and the applicant agreed to a deferral to allow time to resolve those matters.

Ms. Hoy responded to questions from Commissioners Smyth, Murphy and Hall regarding the applicant's compliance with the Merrifield Plan.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no further comments or questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Smyth for action on this case. (A verbatim transcript is in the date file.)

//

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON 2232-P01-29 TO A DATE CERTAIN OF NOVEMBER 14, 2002.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

//

RZ-2002-MV-007 - RANDOLPH J. BENDER - Appl. to rezone from R-1 to R-3 to permit residential development at a density of 2.15 dwelling units per acre (du/ac). Located on the W. side of Pohick Rd., approx. 1,000 ft. S. of its intersection with Magic Leaf Rd. on approx. 1.86 ac. of land. Comp. Plan Rec: 2-3 du/ac. Tax Map 98-1 ((1)) 50. MT. VERNON DISTRICT. PUBLIC HEARING.

Lizabeth Walther, Esquire, reaffirmed the affidavit dated February 5, 2002. There were no disclosures by Commission members.

Ms. Denice Thomas, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Ms. Walther stated that the proposed development would be compatible with surrounding land uses and included 30 percent open space. She listed the amenities to be provided, including contributions to parks, schools, and the Housing Trust Fund. She noted that citizens in the area supported the application.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There being no comments or questions from the Commission or closing staff remarks, he closed the public hearing and recognized Commissioner Byers for action on this case. (A verbatim transcript is in the date file.)

//

Commissioner Byers MOVED THAT WE DEFER DECISION ONLY ON RZ-2002-MV-007 TO A DATE CERTAIN OF NOVEMBER 7, 2002.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Alcorn and Wilson absent from the meeting.

//

The meeting was adjourned at 9:47 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Gloria L. Watkins

Approved on: September 9, 2004

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission